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Source: Port Study, AHCPR

$23,000 saved per yr. per patient with a schizophrenia drug which allows for outpatient treatment.

Source: American Psychiatry, 1993

$1-billion/yr. potential savings with ACE inhibitors which can prevent one-third of hospitalizations due to heart failure.

Source: SOLVD Study, 1991

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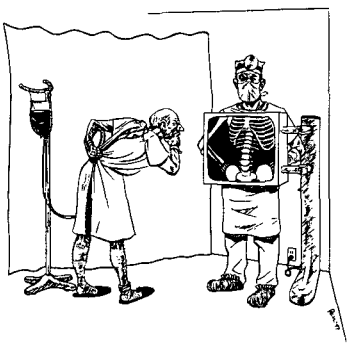

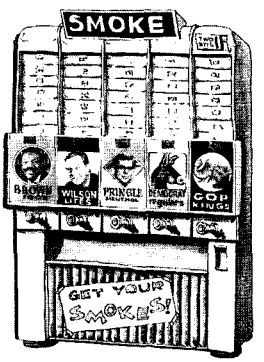

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Upfront
umbrage

Semantic distinctions. Former Senator Alan Robbins' (D-Van Nuys) somewhat, uh, malleable sense of political ethics eventually led to a guilty plea on racketeering and tax evasion charges. Apparently, Robbins malleablity extends to his take on the English language. As a government witness, Robbins testified in the early 1990s that he had taken a bribe from former lobbyist Clay Jackson. The testimony helped send Jackson up the river on corruption charges, where he is still serving out a six-and-a-half year sentence. Last year, though, when he testified in the theft trial of a former leasee of his Van Nuys home, Robbins had, well, changed his story. Asked if he'd ever admitted he took bribes as a state senator, Robbins replied, "My answer would be in the negative." Jackson's attorneys were quick to seize on the "inconsistency," and have petitioned federal prosecutors to re-open the case against their client. Robbins' attorney told the *Los Angeles Times*, "Alan believes he testified truthfully in both trials." Sure. And Pete Wilson is a Democrat, the Dodgers still play in Brooklyn, smoking whitens your teeth, and Elvis is both dead *and* alive.

Party line. Irrespective of how tight his hold may be on the Assembly Republican leadership (see page 24), Curt Pringle's seat got a bit hotter after the release of what are purported to be internal loyalty ratings. The rankings, compiled by GOP staff, graded members on how close their votes matched up with the caucus position. The reaction of some caucus members made it clear the release of the list was, well, ill-timed. Assemblyman Bernie Richter (R-Chico) compared the report to Richard Nixon's "enemies list." After first suggesting that he hadn't seen the report, Pringle, through his press office, maintained the results were being "misrepresented." It should be noted that Pringle himself rated below average among the 41 members, coming in 28th. Of course, this is a survey in which the lowest-ranking member — then-Assemblyman Brian Setencich (R-Fresno) — still voted the GOP line 84 percent of the time. To borrow a phrase from Dorothy Parker, we're talking about a breadth of opinion that "runs the gamut between A and B."

Making an impact. Remember John Garamendi? Apparently, you're one of the few. The U.S. Interior Department Undersecretary was last seen in California losing to Kathleen Brown in the 1994 Democratic gubernatorial primary. You'd think a statewide run, even in a primary, would give him a good running start for the next time. Not so. According to a recent Field Poll, 59 percent of all voters, and 61 percent of Democrats have no opinion about him. Translation: John who? Ironically, Garamendi appears to be better known — and better thought of — among Republicans.

Bad Habits. The already absurd saga of former Congressman Robert Dornan and the "stolen" election took yet another comical twist this past week. Dornan's crusade against voter fraud prompted his minions to red flag some 700 votes as "suspect" because more than six people voted at the same address, presumably reasoning that too many adults packed together must mean

Politics in reverse.

Former Governor Jerry Brown has become the Orson Welles of California politics — a man who started at the top, and has steadily worked his way down. Since his meteoric political rise in the 1970s, Brown is 0-for the last decade and a half in tries for elective office, and had a less-than-noteworthy turn as head of the state Democratic Party. Now, it seems, Brown has, well, lowered his expectations. Word has it the former guv is bucking for a seat on the Oakland Port Commission. The commission controls land and resources along the city's waterfront and Brown, who lives in Oakland, believes he can "make a significant contribution." Some Oakland-watchers see Brown's bid as laying the groundwork for a run for mayor of Oakland in 1998, when current mayor Elihu Harris terms out. Things keep going at this rate and Brown will soon be doing American Express commercials. "Do you know me? I used to date Linda Ronstadt."

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they're illegals. The 18 nuns at the St. Francis Home board-and-care facility are not amused. A number of those who voted were steamed to have their names identified on the suspect list, and the *Los Angeles Times* quoted one nun who described Dornan as a "sore loser." Others who turned up on the suspect list were U.S. Marines and senior citizens, some of them Dornan backers.

Evil twin. A news release from the office of North Carolina Governor James Hunt was guaranteed to produce double-takes in any California news agency which covers state government. There, at the top of a statement about Hunt's state of the state address was a contact name, presumably Hunt's press secretary. The name: Sean Walsh. Of course, Sean Walsh is also the name of the man who, until his recent promotion, served as Governor Wilson's press secretary. As far as we know, the two are not the same — moonlighting for a southern Democrat is probably against Wilson administration policy. On the other hand, the two Seans have never actually been photographed together. Maybe someone's out there cloning Seans. That might explain Bill Clinton's decision to block federal funding for human cloning research.

Geography lesson. The San Francisco-based Pacific Research Institute recently released a report outlining its grim view of California's current public-education system. One hopes their understanding of education runs deeper than their understanding of geography. On two different releases five days apart, the group announced that a news conference on the study would be held in Sacramento at "Capitol Hill." Anyone with a passing knowledge of Sacramento knows there are no hills at this Capitol, except perhaps ant hills.

Physics lesson. Preparing for a trip to Russia as part of his new duties as House Space and Aeronautics Subcommittee chair, U.S. Representative Dana Rohrabacher (R-Huntington Beach) displayed what the *Orange County Register* described as "self- deprecating humor" in addressing space-industry reporters. According to the *Register*, Rohrabacher introduced himself to the journalists with the following line: "There are electrons, neutrons, and morons. People will have to consider me the latter." As Dave Barry would say, we are absolutely *not* making this up.

Landing . . . the day after

The Life of an actor. Perhaps, as a woozy W.C. Fields once concluded, it was a case of "one too many olives in the martini." Whatever the cause, though, Governor Pete Wilson looked somewhat unsteady the morning after his Sacramento stage debut last month. Wilson appeared with his wife, Gayle, in a two-person benefit reading of the play *Love Letters*. By all accounts, the governor gave a fine performance in the role of a U.S. senator, with one reviewer saying the Wilsons performed with the ease of a Jessica Tandy and Hume Cronyn. Back on the day job the next morning, though, Wilson's performance wasn't quite as smooth. At a news conference on flood control, the governor butchered a prepared statement, at one point muttering about "a hangover from last night." After reading his lines, Wilson ducked out of the news conference room without taking questions. Aides insisted the governor was "tired" after a long night. Holding court at Sardi's waiting for the reviews, no doubt.

"And when we think we lead, we are most led."
Lord Byron

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Two Cents commentary

America on "The Lost Highway"

Director David Lynch has been hanging around too many politicians and journalists. How else could he and his collaborator — Berkeley novelist and screenwriter Barry Gifford — have come up with the scenario that lies at the heart of Lynch's new film, "Lost Highway?" Reduced to its essentials, "Lost Highway" is about a man who escapes from prison not by tunneling to freedom or swimming through shark-infested waters but by transforming himself into another person. He literally becomes someone else.

Lynch and Gifford may think they have blazed into uncharted territory with this notion. But those of us who regularly report on the political scene know that this phenomenon is so common as to be a cliche of public life, especially among the two cliques that most influence how Americans view their government — politicians and the media. The most prominent and visible members of those two groups have been traveling the lost highway at a fairly healthy clip of late, reinventing themselves to suit the poll *du jour* or the rating *du jour* and at the same time kicking another jagged hole in the credibility of the institutions they purport to serve and represent.

Pete Wilson, of course, could be considered the poster boy for this sort of metamorphosis. Now in his seventh year as governor, Wilson arrived in Sacramento as the champion of compassionate preventative government before becoming a border guard for his 1994 re-election campaign. Soon thereafter, he became Wilson for President. Having cratered in that effort, he last year discovered that California's education system is on a par with those in Louisiana and Guam, and so he transformed himself into the "education governor" by promoting class-size reduction. God only knows what will emerge now that he has set education on the path to recovery.

But Wilson is by no means alone on this lost highway. The Clinton administration has been a model of transformation so surreal at times as to be a Lynchian sequence in progress. It has lurched from one equivocated philosophy to another for more than four years, along the way transforming the presidency into jello. It also has transformed the White House from a public building into a cottage industry for the president's fund-raising efforts, demonstrating that the president and vice president — the two men at the pinnacle of American government — are only marginally acquainted with the concept of right and wrong.

At the other end of the street, the speaker of the House, Newt Gingrich (R-Georgia), has accomplished the most ironic transformation of all. Gingrich rose to prominence and power in the 1980s by exposing the ethical shortcomings of one of his predecessors — former Speaker Jim Wright (D-Texas), who personally profited from a book deal. Yet in the span of two short years as speaker, Gingrich found himself in the same ethical quagmire. In essence, he became Jim Wright.

And then, there is the media. A well-informed citizenry cannot be well informed if it does not trust those who provide it with information. But too many prominent "journalists" these days are permanent tourists on the lost highway — especially those who have transformed themselves into television celebrities. Their quest for attention destroys the crediblity of legions of other reporters who work hard to present their readers and listeners with unbiased and substantive stories. For the most part, Sacramento's Capitol press corps is an example of journalism at its best. So are the lion's share of Washington, D.C., print reporters.

But the public focus has zeroed in not on the accomplishments of print reporters but on the gaggle of stars whose collective efforts could not illuminate a pen light. There are the "gasbags" who shout opinions and insider gossip at each other on such shows as "The McLaughlin Group" or "The Capitol Gang" or "Crossfire." Then, there are the "ethical twits" who see nothing hypocritical in charging some well-heeled special-interest $30,000 for a speech to its annual barbeque then continuing to report on issues near-and-dear to the group or disparaging the money politicians take from the same interests.

And finally, there is the most egregious group of all — the "pseudos" such as George Stephanopolous, William Kristol, David Gergen, John Sununu and California's own Bill Press. Before joining the fraternity, each was a political insider whose loyalties were stapled to a partisan endeavor. Now, each has transformed himself into a "journalist," stepping with impunity through the firewall that is supposed to separate two antagonistic disciplines.

In Lynch's "Lost Highway," according to a recent review in the March issue of *Cinefantastique*, circumstances force the transformed protagonist to resume his original identity in order to "confront the forces aligned against him." Here's where Lynch and Gifford truly dip into the surreal, for any politician or celebrity journalist knows that a real pro doesn't confront anything. He or she merely slips into yet another identity.

— A.G. Block

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Down from the

The practice of medicine, traditionally among the most revered — and protected — of professions, is being opened up to public view as never before. Will disclosure lead to more aggressive discipline against bad doctors?

By Sigrid Bathen

Protection of the public shall be the highest priority... Where rehabilitation and protection are inconsistent, protection shall be paramount.

— California Medical Practice Act
Section 2229 (a) and (c)

First, do no harm.

— Hippocratic Oath

In the spring of 1992, nurses at Alameda Hospital observed "Dr. A.," an anesthesiologist, "behaving while on duty as if he were under the influence of narcotic drugs." The first incident, according to an October 1996 ruling against the hospital by the California Supreme Court, occurred in March of 1992, when Dr. A. was on call at the time a patient required emergency surgery. One nurse observed that the doctor's speech was slurred as he interviewed the patient. "In discussing the case with him before surgery," the court said, "[the nurse] saw that his attention and comprehension were impaired."

Dr. A. "subsequently administered a general anesthetic to this patient," and after the surgery, the nurse reported his "abnormal behavior" to her supervisor. The court's account does not include the condition of the patient or the outcome of his or her surgical experience. Hospital officials insist no harm came to any

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pedestal

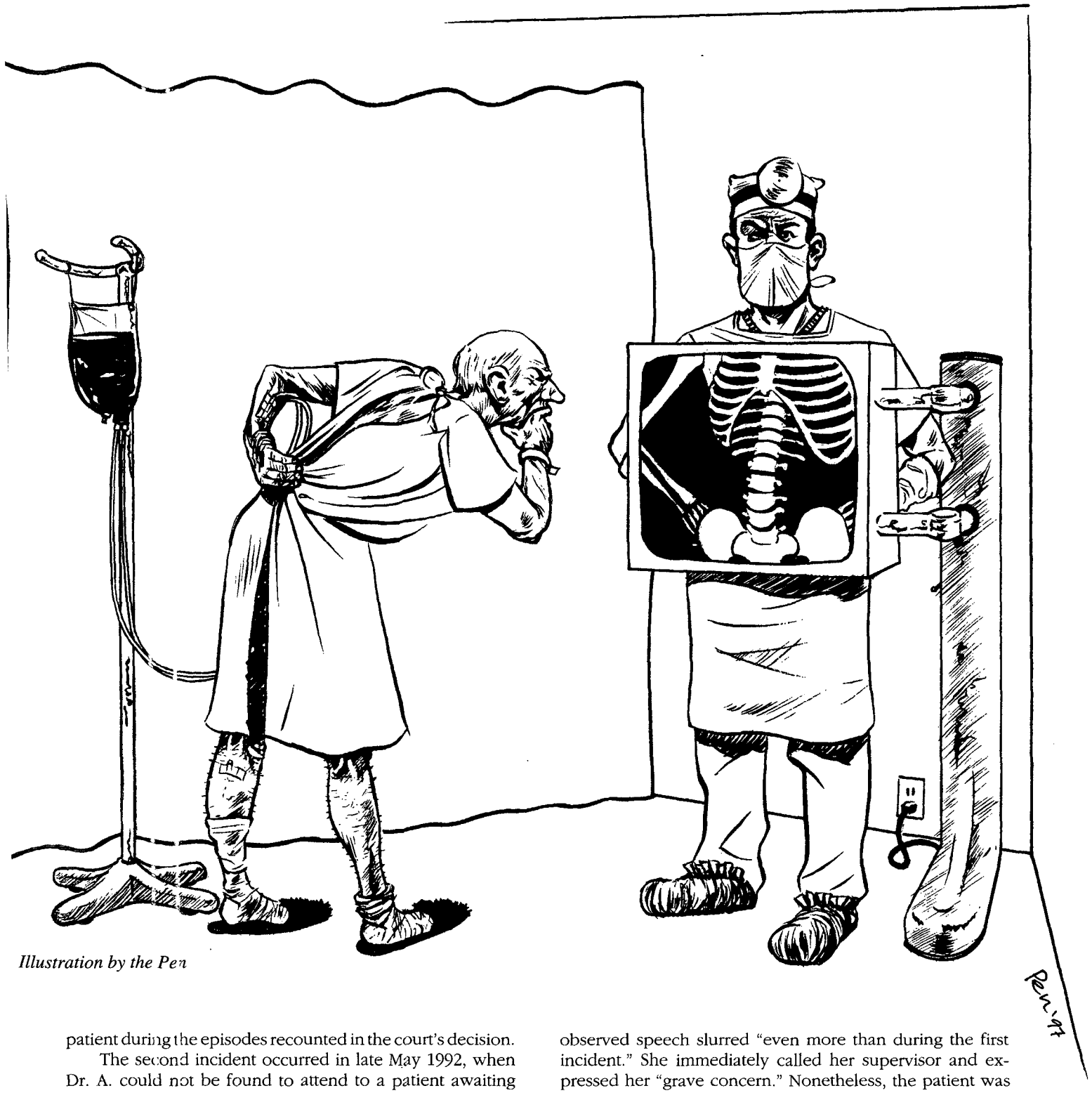

Illustration by the Pen

patient during the episodes recounted in the court's decision.

The second incident occurred in late May 1992, when Dr. A. could not be found to attend to a patient awaiting scheduled surgery. He finally appeared after being paged several times. The same nurse was again on duty, and again observed speech slurred "even more than during the first incident." She immediately called her supervisor and expressed her "grave concern." Nonetheless, the patient was taken into the operating room, where Dr. A. administered intravenous sedation.

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I can get more information on my car mechanic than I can about my doctor.

— Assemblywoman Liz Figueroa

Around the same time, another nurse found Dr. A. asleep in a restroom — which had been locked for an inordinate period of time. When a patient needed to use it, the nurse unlocked the door "and found Dr. A. asleep in the room with his surgical pants down around his knees." When he awoke, the nurse said, he appeared disoriented and unsteady. Suspecting the physician was taking drugs, she searched the bathroom for paraphernalia, but found none. Dr. A. went off to the operating room to attend to yet another unsuspecting patient. Later, when the patient was in recovery, a third nurse reported that his behavior was "strange," and that at one point he had to lay his head down on a desk.

The court's account chronicles a bizarre legal journey through that most troubling of medical horror stories — that of a physician whose judgment is clearly impaired, yet continues to practice despite reported incidents of dangerous behavior. In the Alameda case, which is under investigation by the California Medical Board, the court said hospital medical staff undertook an investigation "at some point" during the spring 1992 period of the nurses' complaints. A medical board spokeswoman would not comment on the disposition or status of the board's investigation.

According to the Supreme Court decision — which upheld two lower court rulings ordering the hospital to turn over its investigatory materials to medical board investigators — Dr. A. admitted to injecting himself with Fentanyl, a synthetic narcotic that medical board investigators say is 80 times more powerful than morphine. Used in combination with other drugs in administering anesthesia, it was obtained by Dr. A. from the hospital's drug supplies, presumably in violation of the hospital's inventory protocols.

Confronted by his peers, Dr. A. requested a leave of absence in October and November 1992 to enter an inpatient drug rehabilitation program in Berkeley. In January 1993, he resumed his staff privileges under heavy restrictions, including random supervised urine tests. He is believed to be completely rehabilitated, and hospital officials insist the confidentiality of the internal review process is essential to rehabilitating an otherwise competent physician who voluntarily admitted he had a problem and submitted to treatment. The courts disagreed.

At issue in the case of "Dr. A." — whose name is confidential while he is under investigation by the state — is the age-old system of physician "peer review," and the responsibility of hospitals to keep state medical examiners informed about doctors with problems like Dr. A.'s. Called "805" forms after the Business and Professions Code section which requires them, hospitals must file documentation with the state when a physician engages in conduct "reasonably likely" to be detrimental to patient care or safety. As the Supreme Court notes in its October opinion, Alameda did not make such a report.

The hospital's failure to file a report on serious disciplinary action against a physician is hardly unusual. A 1995 study by the Office of Inspector General in the U.S. Department of Health and Human Services found that 75 percent of all U.S. hospitals "never reported an adverse action" to the National Practitioner Data Bank, which keeps records on disciplinary actions against physicians. In a study of reports made between September 1990 and December 1993, the inspector general found wide variation in states' compliance with the federal Health Care Quality Improvement Act of 1986, which established the national data bank. In California, where the "non-reporting" rate was 63.7 percent, hospitals fared somewhat better than in, say, South Dakota, which had a 93 percent "non-reporting" rate. Nonetheless, of 557 hospitals in California, 355 had filed no reports in the three-year period covered by the study.

"The wide variation in reporting rates from state to state is in itself troubling," concluded the inspector general. "It could suggest differences in the quality of care rendered or perhaps in the capacity or willingness of hospitals to submit reports."

Dorel Harms, vice president of the California Health Care Association, which represents hospitals, said disclosure of information about physicians "is really on the front burner" as a legislative and policy issue. "There is a very involved, formal process that a physician goes through if there is a problem or a suspected problem," she said. "And it takes time." Recent legislation has streamlined and toughened the process, but health care experts say it remains to a great extent a balancing act between a patient's right to know and a physician's reputation.

In California, legislative efforts to include "805" reports in recent laws giving the medical board tough new investigatory tools have failed. A 1993 measure, SB 916 by then-Senator Robert Presley (D-Riverside), included "805s" in material to be submitted by hospitals to the medical board, but after repeated amendments, the requirement was excised — largely because of opposition from the powerful California Medical Association but also to ensure that other elements of the landmark disclosure legislation would survive reasonably intact.

"I remember going to a committee hearing on the bill," said a medical board staffer who asked not to be identified. "I was very impressed with the surgical precision with which the committee excised that portion of the bill."

The sanctity of the physician peer review process is not the only medical sacred cow under examination in a public arena increasingly less sympathetic to incompetent physicians. A bill by Assemblywoman Liz Figueroa (D-Fremont) would place physician disciplinary actions, malpractice judgments and settlements and other information on the Internet. Similar measures are under consideration in other states, following passage last year of a landmark disclosure law in Massachusetts, which became the first state in the nation to require such full public disclosure. "The Internet is an invaluable tool," says Figueroa of her bill. "We don't see why physicians should be excluded, when attorneys and other professionals are not. When it is a life-and-death

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situation, people should have as much access. I can get more information on my car mechanic than I can about my doctor."

Health care experts say it is just that "life-and-death" quality to the role of physicians — and their increasingly limited autonomy under managed care — which makes doctor disclosure less cut-and-dried than disclosing information about lawyers or car mechanics. "Attorneys don't deal with people's lives," said one prominent health care lobbyist who asked not to be identified. "There is a huge difference. If Mr. Smith is the best corporate attorney and he has been through a drug diversion program, I don't think I'd care. But with a physician, it's your body, your family."

With the exception of rare, particularly egregious cases, critics of the current system say physicians of questionable competence have often gone untouched by effective or timely state sanctions — protected by their own, who preferred to weed out their rare bad apples quietly and behind closed doors. Within the last decade in California, however, that protected status has rapidly eroded. Some physicians are concerned that the enforcement pendulum is swinging too far the other way — driving incompetent doctors, as well as colleagues who might complain about them, deeper into a dangerous silence. Battered on several fronts — from beefed-up state and federal civil and criminal enforcement agencies, to the increasing power of health maintenance organizations (HMOs) — many doctors are taking the smart road politically, questioning the power of the publicly unpopular HMOs and cooperating with policymakers in order to have some control over what, and how much, is revealed about them to prospective patients.

Despite the periodic horror stories, doctors groups say that, largely as a result of recent legislation, California already has among the strongest disclosure and disciplinary policies in the country, including a special legal unit within the state Attorney General's Office solely to investigate and file disciplinary actions against doctors. CMA lobbyist Scott

Doctor Discipline in California 1995-96

Number & type MD action taken by disciplinary case type	Revocation	Surrender	Suspension Only	Probation With Suspension	Probation	Probationary License Issued	Public Reprimand	Other Action	Total Actions by Case Type
Negligence	10	15	0	7	41	0	20	2	95
Inappropriate Prescribing	4	6	0	0	16	0	15	0	41
Unlicensed Activity	0	0	0	0	3	0	0	0	3
Sexual Misconduct	10	9	0	3	10	0	2	1	35
Mental Illness	6	2	0	2	5	0	1	0	16
Self-use of drugs/alcohol	6	6	0	2	18	1	4	0	37
Fraud	4	4	0	3	7	0	10	1	29
Conviction of a crime	3	3	0	5	7	0	0	0	18
• Unprofessional conduct	19	6	1	7	21	0	15	0	69
Misc. Violations	0	1	0	0	1	0	0	0	2
Total Actions by Discipline Type	62	52	1	29	129	1	67	4	345

• Many of the case types classified as "Unprofessional Conduct" are reciprocal action based upon discipline by another state.
Source: Medical Board of California, 1995-96 Annual Report.

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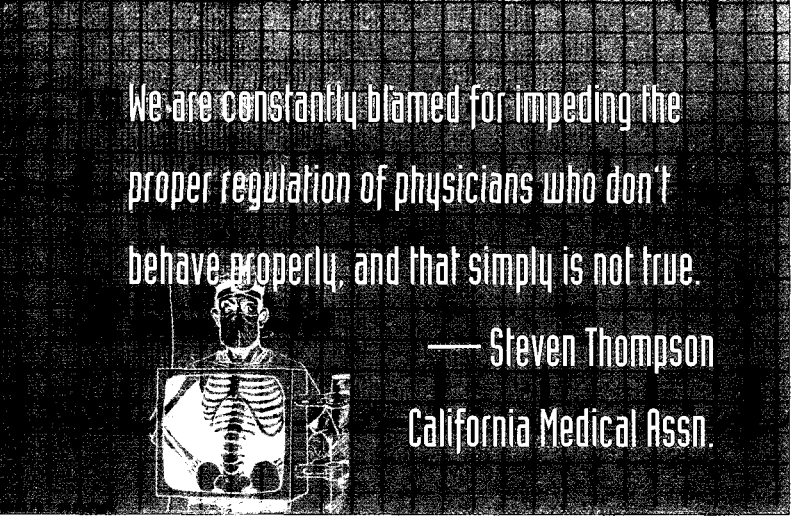
We are constantly blamed for impeding the proper regulation of physicians who don't behave properly, and that simply is not true.
— Steven Thompson
California Medical Assn.

Syphax, a former Presley consultant who helped write several bills toughening California physician discipline laws, says consumers and regulators tend to "focus on the hospital" in pressing for disclosure. Syphax said the CMA has "a philosophical objection" to the release of internal hospital peer review reports — the so-called "805s."

"The peer review process ... is something that happens in a private setting," says Syphax. "An individual hospital does not have responsibility for the entire state of California. Their interest is their particular hospital. The physicians act in the hospital as a lay judiciary and take action on things that they believe need to be addressed. When they take that action, that is sent to the medical board." If no formal disciplinary action is taken against the doctor, Syphax says, "CMA believes that the incident has not risen to the level of relevance that calls for public dissemination of that '805'."

Physician groups argue that disciplining an individual physician — or holding him or her up to excessive standards of public disclosure — misses the point in the era of managed care, when medical decisions are often dictated by the bottom-line requirements of HMO managers. "Because the individual physician's authority has been eroded by managed care, controlling the physician is no longer controlling the quality of medical care or services rendered," Syphax said. "The physician-patient relationship is the most sacred aspect of practice to physicians themselves, but every day is a battle to try and maintain that human element."

Insisting that doctors want their incompetent brethren disciplined or put out of business, Syphax acknowledges the horror stories and says the CMA "wants them off the street as badly as the medical board does." The doctors and the medical board that regulates them differ somewhat on how to accomplish that ostensibly shared goal.

"One of the problems that physicians face is that they enjoy a great deal of prestige because they are healers," says Syphax. "But there is a double edge on that sword because they are also expected to be infallible. The place where the CMA and the medical board get into debate is when an individual makes an honest mistake that was not malicious and was out of character on an otherwise sterling record. What is the appropriate level of remediation? How do you make that decision? How do you draw that line?"

The Massachusetts experience is instructive. When the *Boston Globe* in 1994 published a meticulously researched, scathing series of articles — "Malpractice in Massachusetts" — about dangerously incompetent physicians and how poorly they were regulated by the state and the profession, the Massachusetts Legislature was forced to take action. Teachers had been among some of the patients allegedly victimized by physicians in the *Globe* series, and the first bill was pushed by the Massachusetts Teachers Association in a fascinating test of political clout — as in California, two of the most politically powerful groups are teachers and doctors. It was passed by the Legislature over the objections of the Massachusetts Medical Society, but vetoed by Governor William Weld. Seeing the handwriting on the wall, the doctors mobilized to help design the second bill, which was passed and signed by the governor. While still strongly patient-oriented, it contained elements — including detailed explanations of why malpractice judgments or settlements do not necessarily denote a bad doctor — that most physicians could live with.

While other states are also considering Massachusetts-type disclosure bills, none face quite the enormity and complexity of the task in California, where particularly contentious health care politics have in recent years characterized a system with huge numbers of uninsured or underinsured patients, many of them immigrants. Massachusetts, for example, licenses about 30,000 physicians, 18,000 actually practicing. The California Medical Board licenses some 103,000 physicians — about 77,000 of whom are actually practicing — amid a plethora of competing financial and medical interests. A veritable blizzard of health care bills, including Figueroa's AB 103, have been introduced this session, and the stakes — for doctors, insurers and patients — are enormous.

The battle lines are already forming around AB 103. Currently, the California bill contains no ameliorating malpractice-disclosure provisions as are contained in the Massachusetts law, and eliminates the $30,000 threshhold for reporting judgments and settlements in current state law. The CMA is taking a position which CMA chief lobbyist Steve Thompson describes as "gentle opposition." In an uncharacteristic display of political civility — the calm before the storm, perhaps — Figueroa and the doctors' group say they hope to work out their differences and come up with a bill that serves consumers without unfairly damaging the reputations of physicians.

Some specialists — particularly OB/GYNs — are especially vulnerable to malpractice suits. Many say they are forced to settle cases by insurers who don't want to go through the expense of a trial, and often, according to Thompson, the settlements "have nothing to do with the quality of care."

"We are constantly blamed for impeding the proper regulation of physicians who don't behave properly, and that simply is not true," he added. "We are concerned that you don't brand someone professionally."

Dr. Joseph Heyman, a Massachusetts OB/GYN who heads that state's medical society, says the new law appears to be working well. "It allays the anxiety of patients that somehow there is something being covered up," he said. "And it is very fair to physicians. It is easy to access and puts everything in perspective. It doesn't compare me to a pediatrician — it compares me to other physicians in my specialty. It doesn't include complaints, and it doesn't include actions that haven't gone through the entire process."

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Currently, those who request physician profiles are sent a faxed profile, although Internet access is planned next month. Some physicians had expressed concern that confidential information, including home addresses and other information that might place their families in danger, would be inadvertently made available, but the state says it has put a computer security system in place to prevent that. Physicians were also concerned about reporters and malpractice lawyers being able to access the computer system for profiles of particular groups of doctors, but the Massachusetts law permits only individual inquiries, and no more than 10 at a time. Accessing the Web site can be accomplished in various ways, Heyman said, by name or specialty, for example, "but not by malpractice settlement."

The clout of the medical board in California has been substantially increased by recent legislation, raising it from its pre-1989 level as an ineffective and understaffed bureaucratic embarrassment. As in Massachusetts, media exposes, including a devastating *60 Minutes* segment in 1992 on the failings of California's medical disciplinary system, helped focus public attention — and public funds — on doctor discipline.

"In 1989, the board was a backwater, where complaints went to rest without ever being heard from again," says one prominent health care expert who asked not to be identified. "It was not oriented toward any consumer board's interests, which are the interests of consumers. It was oriented to processing paper." After several years of working on legislation to toughen lawyer discipline, Presley started looking at doctor discipline. As a result of his legislation, complaints are investigated with considerably more attention and speed.

"There is a much more open atmosphere today," says the board's executive director, Ron Joseph. "Prior to the Massachusetts law, California had one of the most far-reaching disclosure policies in the nation. Massachusetts has moved that light years ahead."

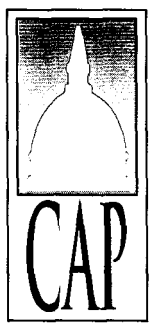
The full board, which includes 12 physicians and seven public members, will hold an unusual special meeting in San Diego April 16th to review disclosure issues, including a discussion of Figueroa's measure. Given public sentiment for greater disclosure by health care professionals — and the business interests behind them — some form of Massachusetts-style disclosure is likely in California.

For Assistant U.S. Attorney Jonathan Shapiro in Los Angeles, who successfully prosecuted an infamous Orange County gynecologist, Dr. Ivan C. Namihas, it's none too soon. Pursued by a beefed-up health fraud investigations unit in the U.S. Attorney's Office, Namihas was convicted of misleading patients into believing they had AIDS and cancer, then billing them for unnecessary "treatments." Namihas, 62, was the subject of tenacious investigative work by the U.S. Postal Inspector and the Justice Department — as well as intensive media coverage, including a 1992 series in the *Orange County Register* — resulting in federal charges that he defrauded nine patients. He was sentenced last October in Los Angeles federal court to serve two years in prison and pay $63,000 in fines and restitution.

Even more intriguing about the Namihas case than the fact of his conviction is what was not charged. "Dr. Namihas is the poster child for why we need a law like they have in Massachusetts," said Shapiro. Before he was convicted in federal court, Shapiro said, Namihas was the object of some 160 complaints to the state medical board, starting in 1969, by female patients who said they had been raped and/or inappropriately fondled. "At that time, complaints were purged every five years," said Shapiro. "The totality of the complaints was never investigated." Shapiro also credits publicity about the Namihas case with helping force changes in California enforcement methods.

Shapiro is particularly critical of the so-called peer review system in California hospitals. "Investigators are often stymied by doctors' reluctance to participate in an investigation against a colleague," he said. "The medical profession seriously and understandably defends their right to conduct peer review of their own. And under California law, peer review of hospitals and HMOs allow them to do their work in privileged secrecy.

"Ultimately, they can't keep this stuff secret, but they can force you to jump through any number of hoops. I understand that they are trying to encourage an exchange of views about medical practices and skills. The problem is that very good goal protects bad doctors."



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Smoking Out Tobacco's Influence

Health groups say political meddling at the tobacco industry's behest threatens the state's groundbreaking anti-smoking media campaign. But those responsible for the campaign say it's the health groups that are playing politics

by Steve Scott

If, as the old saw goes, success is born of a thousand fathers, and failure is an orphan, few state programs seem more suited to multiple claims of paternity than California's eight-year advertising campaign against smoking. Financed by the quarter-a-pack cigarette tax enacted in 1988's Proposition 99, California's counterattack against tobacco advertising has been heralded as the most successful public health program in the last quarter century. Cigarette sales in the state have dropped by nearly 40 percent since the passage of Proposition 99, and the overall rate of consumption of tobacco in California is nearly a third smaller than the national average.

Yet, even as politicians shrink from any association with the tobacco industry, Proposition 99 seems to be one instance in which success, rather than failure, is the fatherless child. Neither of the program's first two political stewards — Governors George Deukmejian and Pete Wilson — has ever shown up at even one news conference to tout the unqualified success of the campaign. Both governors participated in the diversion of a total of more than $100 million away from anti-tobacco education, with the willing help of a state Legislature led by then-Assembly Speaker Willie L. Brown, Jr. (D-San Francisco), recipient of more tobacco campaign money than any elected official in the nation.

"It's just mystifying why there hasn't been more ownership of it," said Paul Knepprath of the American Lung Association. "When the governor was running for president, I fully

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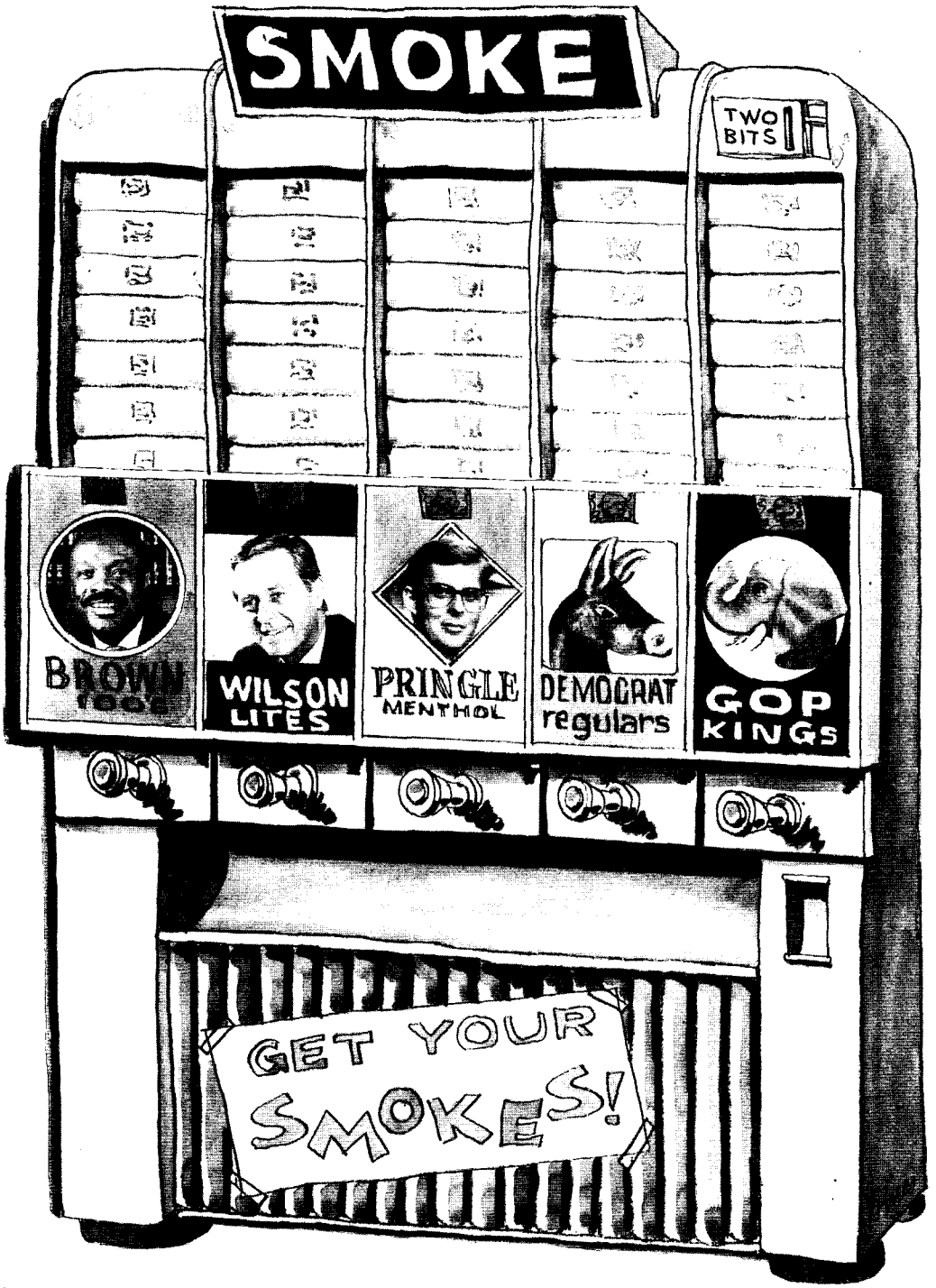

Illustration by Norm Hines

expected to open the paper and see him take credit for this."

This past month, the state was scheduled to begin a new anti-tobacco media blitz financed by Proposition 99. By some accounts, the new campaign, which includes television, radio and billboard advertisements, aims its lance where experts say it will do the most damage: at the industry itself. But the new campaign comes after a drought of more than 15 months, and nearly three years of on-again, off-again advertising. During that time, teen smoking has begun to climb again and the rate of decline among adults has leveled off for the first time in a decade.

"Whether on purpose or by accident, the [Health Services] department, in the early '90s came upon a successful strategy for combating tobacco use," said Dr. Stanton Glantz, the University of California, San Francisco cardiology researcher who has become something of a self-appointed truth squad on tobacco issues. "The tobacco industry has done everything they could to kill it and they've had a willing accomplice in Pete Wilson."

Such rhetorical fusillades, hotly denied as cheap shots

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by Wilson's allies, are nothing new in the history of Proposition 99. From the moment it was passed by voters in November 1988, the tobacco industry trained its thicket of lobbyists on the 25 percent of proceeds which go to anti-tobacco education and research. Their most important ally at the time was Speaker Brown, but with the election still fresh in memory, even Brown's muscle couldn't pull enough votes for the industry to get its way in this battle. It was one of the first major losses suffered by the industry in the Legislature until that time.

The first Proposition 99-funded ad campaign, launched in 1989, was an international sensation in public health circles. Eschewing the traditional finger-wagging approach of public-service announcements, the breakthrough ads went directly after the industry. Perhaps most memorable was a spot which depicted a group of industry executives strategizing how to replenish the supply of customers who either quit smoking or die of it. "Hey," one of the pretend executives chortles darkly, "we're not in this business for our health." The decline in the rate of cigarette smoking tripled.

When Wilson arrived in 1991, along with a crippling recession, the media campaign was canceled, and the money was shifted to direct indigent medical services. Internal e-mail messages, copies of which were received by *CJ* and other news agencies, suggested that aides to then-Health Services Director Molly Coye may have pressured researchers to downplay the importance of the ad campaign as a factor in the decline in smoking. But the administration also had some big fish to fry that year — specifically, a cavernous budget gap that eventually grew to $14 billion. Coye offered up the media campaign for temporary suspension.

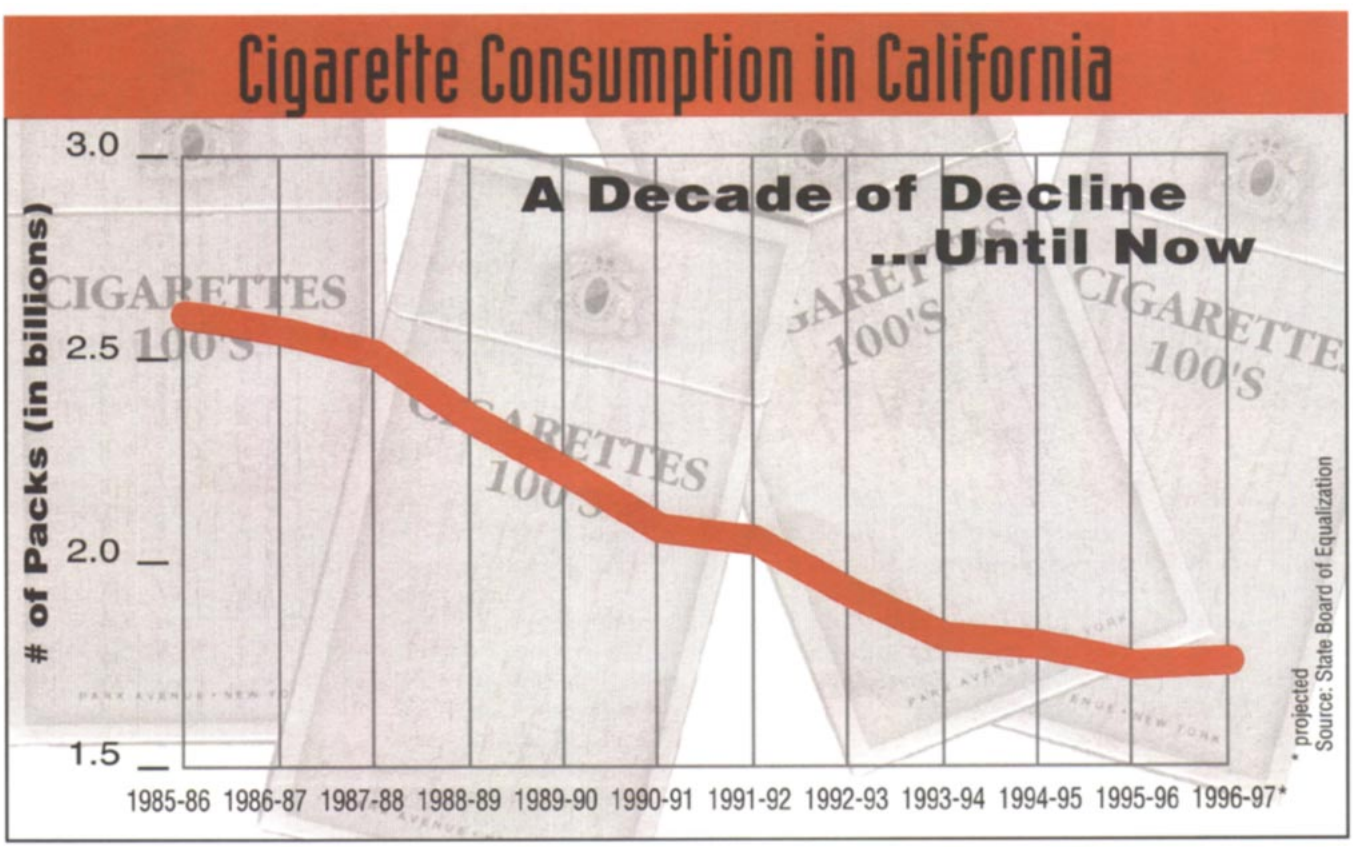
"We had a direct health care problem in trying to fund essential services in a $14 billion deficit," said Kassy Perry, a former official with the state Health and Welfare Agency. "We knew it would be controversial." Eventually, the courts ordered Wilson to restore the money.

As deficits continued through the early 1990s, money continued to be diverted from the health education account into direct health services, notably for early childhood health screening. Eventually, the amount spent on anti-tobacco education dropped to 11 percent of the total tobacco-tax revenue — well below the 20 percent mandated by Proposition 99. At first, the Heart and Lung Associations and the American Cancer Society (the "voluntaries") went along with the diversions. But when the economy improved and the diversions continued, they sued again, and once again, the administration was ordered to stop sidetracking the funds.

In 1995 and 1996, Wilson fully funded the education account, but Wilson's critics are far from satisfied. The nexus of the health groups' anger at the Wilson administration can be summed up in three words: "Nicotine Sound Bites." The phrase is the title of an advertisement produced in the fall of 1994 for the Proposition 99 campaign. The spot used news footage of a 1994 congressional hearing chaired by U.S. Representative Henry Waxman (D-Los Angeles), at which tobacco industry executives claimed, one by one, their belief that nicotine is not addictive. The spot concluded with a question: "Do they think we're stupid?"

When the commercial began running, tobacco giant R.J. Reynolds threatened to sue the state, claiming it implied the executives committed perjury. State Health Services Director Kimberly Belshe strongly defended the advertisements, accusing the industry of "strong-arm tactics." Nonetheless, it was Belshe who decided to put the spot on the shelf after its one and only run.

"We had made an assessment that to [run the spot]



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would be an invitation to litigation," she said. "When I look at the choice between allocating our resources to defend ourselves in court against the tobacco industry or using resources to put ads on, I went with the latter."

In 1995, another controversial spot, which pointed out the paradox of insurance companies owned by tobacco companies giving breaks to non-smokers, was kept off the air. The administration did run a well-received spot, titled "Hooked," which depicts a business-suited tobacco executive hooking fish meant to symbolize the victims of smoking.

The withdrawal of the ads was seen by the anti-smoking community as a capitulation to tobacco-industry bullying. "Right now, they're more afraid of the cigarette companies," said Julia Carol, executive director of the Berkeley-based Americans for Non-Smokers Rights. But more disturbing to activists than backing down to industry pressure is the perceived turn away from the hallmark of the California campaign — its spotlight on the industry itself. The state's own audience research suggests that attacking tobacco industry "manipulation" is the most potent strategy going. While the "Hooked" spot earns praise, Glantz says it takes more than one such spot to bring home the message.

"The experience from the California campaign is clear — you have to attack the tobacco industry," said Glantz. "By attacking the industry, you open people's minds to the idea that smoking is bad."

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Former Assembly Speaker Curt Pringle (R-Garden Grove) wasn't convinced. Pringle tried to insert language into the state budget which forbade the use of tobacco-tax money to attack the tobacco industry. A Pringle spokesman said the speaker was "philosophically opposed" to the use of tax money to attack an industry. Although Governor Wilson seemed sympathetic, suggesting at the time that "there is not a necessity to defame people," staffers in the Department of Health Services strongly resisted the move, and the language never made it into the budget. The former speaker still managed to have an impact on the program. As one of his last acts before turning the gavel over to Democrat Cruz Bustamante (D-Fresno), Pringle replaced two noted public health experts on the committee which oversees the education account, the Tobacco Education and Research Oversight Committee [TEROC].

The "Friday Night Massacre," as it's been called, is not the only controversy surrounding TEROC. Committee chair Jenny Cook says that over the past three years, the administration has clapped a cone of silence on the media campaign, denying access to storyboards and rough cuts. Moreover, a new condition was added to the contract renewal for ad agency Asher/Gould which forbids them from revealing anything about the campaign prior to its public release.

"Up until three years ago, there was no argument," insisted Cook, who is also the incoming national chair of the American Cancer Society. "We got all the materials, we saw all the materials, and none of it ever leaked out."

Belshe says the decision to withhold the storyboards was made to keep the state's information out of the hands of "those who are less friendly to the program." While Belshe referred largely to the tobacco industry, Perry, who is a member of the TEROC, says the secrecy is also warranted because the entire program has become politicized.

"If you could trust that the [anti-smoking] community would sit together quietly ... without everybody else going out and bashing the administration, I think there would be a little more trust in the process," said Perry. "That hasn't occurred."

A major factor in the administration's testiness is a series of increasingly-pointed newspaper ads sponsored by Americans for Non-Smokers Rights. The ANR ads highlighted Wilson's tobacco associations, including his hiring of former Phillip Morris executive Craig Fuller as the head of his abortive presidential campaign. Some of the newspaper ads reproduced an internal Phillip Morris memo which described Wilson as being "pro-tobacco." Some of the non-partisan "voluntaries", most notably the American Heart Association and the American Cancer Society, eschewed past attempts to use quiet diplomacy and signed on to the campaign.

Also contributing to the administration's defensiveness is the political touchiness of any association with the tobacco industry. The 1996 elections saw the emergence of smoking as a "wedge" issue which favored Democrats over Republicans. A decided tilt in favor of the Republicans among tobacco industry donors backfired against the GOP, as some targeted candidates refused or sent back tobacco contributions. Republican Tricia Hunter was attacked as "the Tobacco Nurse" for having accepted industry contributions in past elections, even though she rejected them this time out. Incumbent Assemblyman Steve Kuykendall, whose narrow victory in 1994 was attributed to an eleventh-hour, $125,000 contribution from Phillip Morris, refused tobacco money in 1996.

The governor's defenders say any attacks implying Wilson is pro-tobacco are, in Belshe's words, "ill-informed and off-base." Wilson's health director ticks off a list of efforts undertaken by Wilson aimed at curtailing tobacco use. The most visible anti-smoking act taken by Wilson was his signature on the 1994 legislation banning most indoor workplace smoking — AB 13. Indeed, TEROC chair Cook, who is at loggerheads with the administration over Proposition 99, has nothing but praise for Wilson's action on AB 13. "AB 13 has done a good job," said Cook. "Very seldom do I have to look around in a restaurant to make sure there's no tobacco use going on in that restaurant." Other actions which Belshe cites in defense of her boss is the signing of the so-called STAKE act, aimed at underage smoking, and an executive order banning smoking in the state Capitol.

"No governor has signed more anti-tobacco legislation than Pete Wilson has over the last six and a half years," said Belshe. "His record is a remarkable one and his critics do him a disservice if they ignore it or minimize it."

For many in the anti-tobacco community, though, Proposition 99 is where the "rubber meets the road," and on that score, they rate Wilson openly-hostile. "That ad ["Nicotine Sound Bites] is a vaccine against smoking," said ANR's Carol. "It's as if they had the vaccine that could cure AIDS and were sitting on it." Evidence of the tobacco-control community's mistrust of Wilson can be seen in the decision not to wait until the scheduled late-March release of a new ad campaign before launching its latest newspaper broadside at the governor.

Will the administration's approach change? The signals are mixed. Belshe says that, when the ad campaign is up and running, half of the television spots will be aimed at "countering tobacco industry influences," and the tobacco industry will be mentioned by name. But in a letter to the leadership of three of the "voluntaries," Health and Welfare Secretary Sandra Smoley continued to insist that the industry itself would not be targeted. "[The health of Californians] is not helped by the use of public funds to attack a legal industry," said Smoley.

If, as many public health groups fear, the ads pull their punches on the industry, the case for Wilson's complicity with the industry will have been made. "The tobacco industry is the vector of this disease [just as] mosquitos are the vector of malaria," said Carol. "You can't attack malaria unless you go after mosquitos, and you can't attack smoking unless you go after the tobacco industry." But Carol adds that Wilson could still be "the hero of the decade" if he would go to bat for a campaign that directly attacks the industry.

Whether Wilson will ever attain "hero" status is questionable; some Wilson aides believe they could never be radical enough to satisfy groups like ANR. But the ultimate test will be in what happens to consumption rates, particularly among the young. If, as Belshe predicts, history looks back on the latest ad campaign as "hard hitting and memorable," Wilson may yet get those laurels. But if the ads are seen as protecting the industry, Wilson could wind up on the same side of the political debate surrounding tobacco that his friend Bob Dole found himself in last year's presidential campaign.

The wrong side.

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Bob White

The last member of Pete Wilson's taut inner circle leaves the governor's employ. Is it the end of an era, or a prelude to one more political crusade?

by Dana Wilke

Having delivered the usual plaudits that afternoon last February after introducing the man who would succeed him, Bob White was walking from the news microphones when a reporter blurted the question that many people burned to ask this man who'd decided his nearly 30 years of shepherding Pete Wilson's career were over.

"Why is Bob White leaving?"

The governor's chief of staff pivoted — so rapidly it sent a jolt through the monotonously scripted event. As is typically the case when White has something to say, he needed no microphone.

"Bob White," he said with the forceful lungs and fixed eye that have characterized his style these three decades,

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Dana Wilke is a Sacramento-based political reporter for the San Diego Union-Tribune.

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"is burned out."

That he said so with a grin, and that he won a roomful of laughter despite what was, essentially, a serious reply, says a few things about this man who was, and in some cases may continue to be, the power behind Pete Wilson. It demonstrates how agile White is with people and pressure. And it reveals the frank, efficient style that the Republican governor respected and prized in the man who ran his office, recruited his staff and advised him on everything from his luncheon speeches to his vision for a state of 32 million people.

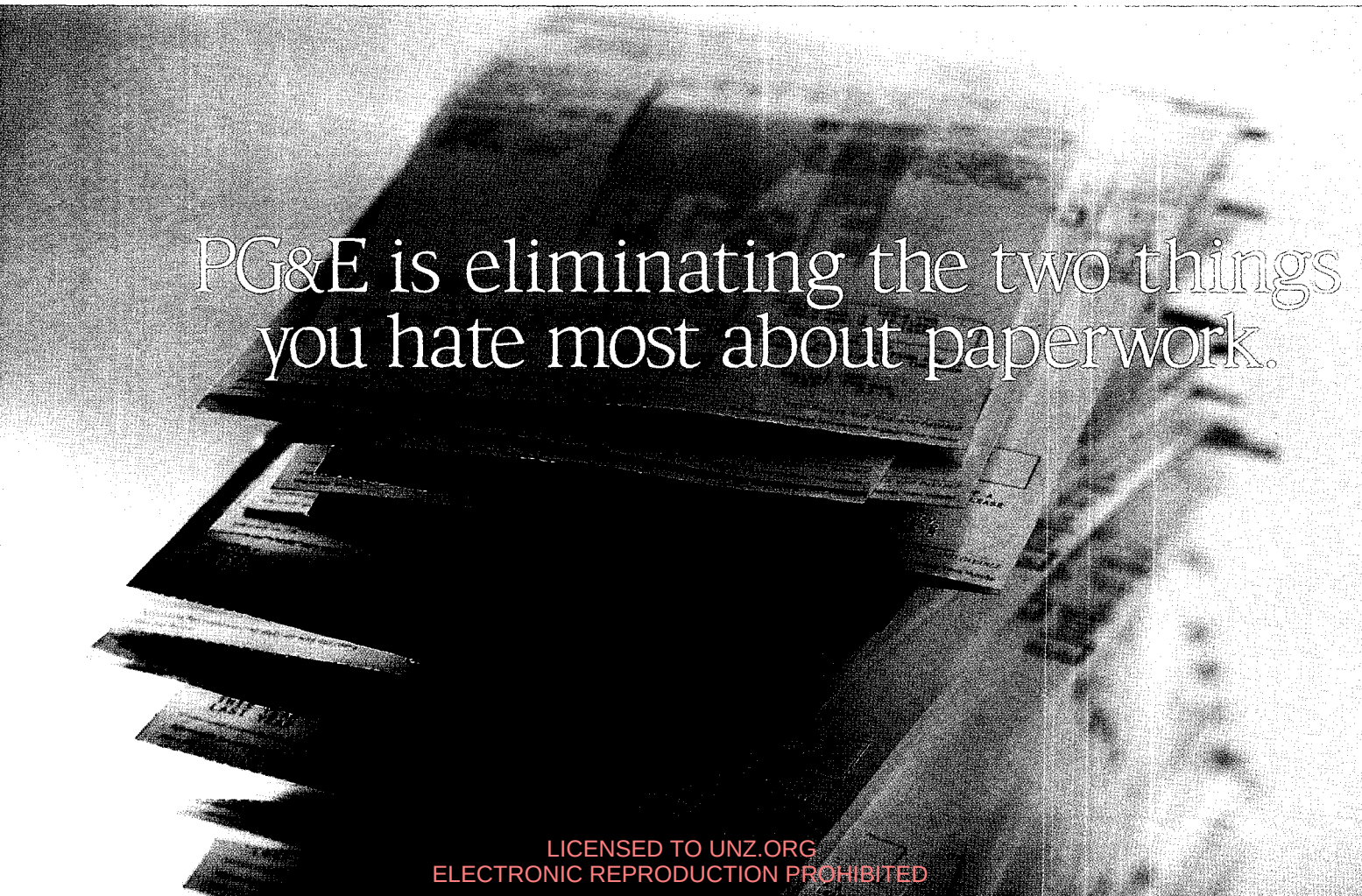
> He can be Pete's angel or his s.o.b., depending on what's required
>
> — Dick Murphy
> ex-San Diego
> councilman

It is rare that California's political sphere pays such close attention to a man whose lifetime claim to elective office began and ended in his school days, yet much of the state's media covered White's decision to leave with nearly the same depth they covered his boss' decision to drop out of last year's presidential race. Part of that attention comes from speculation about what his departure means for a possible Pete Wilson presidential run in 2000. But it also may have something to do with the long history between the two men.

In a world where people are advisors one season, tattletale authors the next, Wilson's and White's relationship was perhaps the most enduring in California politics. More important than the length of the partnership was its quality. If it is true, as a *San Diego Union* reporter put it decades ago, that to talk with White was to talk with Wilson, then the public policy implications of what Bob White said, what he thought — who he liked and who he didn't like — were enormous. Arguably, Bob White for six years has been the most powerful, unelected figure in California government.

The day he took the retirement plunge, it was with the whimsy people have when they leave homes they grew up in. "It's been a long time since we were two little guys on the fourth floor up there with one secretary thinking, 'We can do this....we will be able to make something happen,'" says the native San Diegan, whose office is stuffed with photos of him and Wilson together. "And I would be dishonest if I didn't say I'm going to miss the power, the authority, the responsibility that it brings."

Clearly White's proudest accomplishment, and the one that made him so valuable to Wilson, was his skillful selection of men and women who turned Wilson's visions into reality. Some of White's earliest recruits remained with Wilson nearly his entire career, and GOP advisor Ken Khachigian believes the governor has stayed relatively



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scandal-free because of "those very strong appointments."

Over the years, as reporters tried to peel beyond Bob White the political operative to Bob White the man, his friends often had difficulty separating the two. He was the nine-year-old who hung by the radio Election Night in hopes Eisenhower would win. He was the Helix High student teacher as intimidating in the classroom as he later was with Wilson's staff. He was the San Diego State University student who phoned college newspaper editor Ron Roach to pitch a profile on a friend running for student government. "Even way back then," says Roach, now with the California Taxpayers Association, "he was working behind the scenes to get somebody elected." He was the cutup who befriended reporters with the infamous "Westgate alert," calling them to his corner City Hall office to watch hotel guests undress before open curtains. He is the fierce racquetball player who apparently never heard the advice that "it's not whether you win or lose....."

"He hates to lose," says Larry Thomas, the former Wilson press secretary who is now an executive with the Orange County-based Irvine Company. "If I were a lobbyist, I don't think I'd want to beat him, because I think he'd remember it."

> There was never any question in anybody's mind as to why Bob White was doing something. He was doing it for me.
>
> — Pete Wilson

White's temper is now part of California political folklore. Patricia Clarey, deputy chief of staff, says a Wilson-White disagreement sometimes meant the men walked briskly between each other's offices, with "much slamming of doors." So often did curses and shouts accompany his blowups that he earned the nickname "White Tornado," and his hapless victims were said to have endured the "full Bob." "He can be Pete's angel or his s.o.b., depending on what's required," said former San Diego City Councilman Dick Murphy, now a judge. Today, White says in one breath that he's mellowed, and in the other that few have ever seen him in full throttle.

"What you think is a full-Bob and a half-Bob," White says, "that's only a half-Bob and a quarter-Bob."

It is tempting to conclude that time alone could have carved such loyalty between two men who are so different. White and the man he calls "more of a brother" than a boss are temperamental and physical opposites: Wilson is thin to the point of frailty; White has the girth of a gourmet. Wilson is a study in fashion temperance; White has a weak spot for Nordstrom. Wilson speaks with strained, faltering voice; White very nearly bellows. Wilson tells a joke without twitching a facial muscle; White tells it like a backslapping

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party host. The governor is terrible at small talk; White chats like a talk-show host; Wilson pours over public policy minutiae; the chief of staff delegates details.

Few people but White could so candidly speak his mind with the governor: One of the most significant disagreements the two ever had was when Wilson wanted to run for the White House shortly after winning re-election to the governor's office in 1994. White insisted his boss should keep his campaign promise to serve his full four years as governor. Wilson was a candidate less than six months, and today, the governor delivers the razor-thin grin he reserves for understatements when he says: "Bob gives me his unvarnished opinion."

"There was never any question in anybody's mind as to why Bob White was doing something," says the governor. "He was doing it for me, or for my programs, or for my administration, or my agenda, or my ideas. He's been part of helping to fashion them and he believed in them, and that is why we've had such a marvelous relationship."

So often have his friends remarked on how he's "been the best man at more weddings, and the godfather to more children," that one senses it's become a cliche that no one is sure who started. Regardless, the social-butterfly tag sticks. At age 36, White appeared in the entertainment pages of the *San Diego Union*, clad in racquetball togs and looking, for all the world, like a *GQ* Bachelor of the Month. His network of friends is impressive, and includes famous politicians (Nixon chief of staff Alexander Haig is the man he most admires), movie stars (Katharine Hepburn impressed him considerably), newspaper publishers (he once thought he'd be a reporter), and football and hockey players.

There is a perception that much of White's socializing is glad-handing — that Bob White is less interested in getting to know people for their own sakes than in getting to know them for Pete Wilson's. Some observe a loner side to him, very likely born of lifelong bachelorhood. Though he had girlfriends, and some serious relationships, Thomas thinks White has never "felt he's had the time to have a serious marriage relationship, given how deeply he is into his work." Characteristically, White addresses the question with a quip that he can't even have pets: "I'm never home."

To some, White's devotion to Wilson meant enormous personal sacrifices that even the most passionate political junkie should not be willing to make. It meant being called home early from vacations and spending evenings at fundraisers and receptions. It meant saying no and making enemies. From nearly the moment he came to the state Capitol with the newly elected governor six years ago, it is said White talked of leaving, telling one friend that "I hardly have any free f....ing time" and complaining about Sacramento — a farm town that has the culture of, well, a farm town.

"The job of being the chief of staff to the governor of California is horrendous," says George Gorton, the former Wilson campaign manager whom White hired out of the Army. "If there's an earthquake in L.A. or a judge to be appointed, Bob White is somehow or another responsible for that."

White became the fourth key figure to leave Wilson's employ since January, forcing the governor to rely on people who've worked with him only a few years, and doing little to cool speculation that this is merely the beginning of more defections from an administration whose agenda will soon be drowned by the clamor of 1998's gubernatorial campaign.

Thanks to his contacts, White would be a powerful addition to any lobbying operation, a few of which have phoned. It was said he might join the law firm of friend Jack Flanigan, one of Wilson's first interns, though Flanigan says this isn't true. There is talk he may consult for a public-policy organization or government-affairs group, either of which which would probably earn a man of his experience and influence far more than his annual salary of $115,068 (White also made up to $50,000 a year on the side as a Wilson campaign advisor). And Wilson makes it clear that White will play "a central role" in any future political campaign.

But aside from saying he plans to stay in Sacramento at least two years and advise Wilson unofficially, White commits to nothing more than helping 47-year-old George Dunn, one of his deputies, ease into White's old job. Perhaps he'll travel, maybe to Cabo San Lucas where he and his dad deep-sea fish. Or indulge his passion for reading ("Catcher in the Rye" is a favorite because hero Holden Caulfield helped him conclude he was "no weirder than anyone else.") A Catholic church leader, aware that White once toyed with joining the priesthood, approached the chief of staff the day after he announced his departure: "We have only one question," he said. "Which seminary?"

White first thought he'd work out of his Gold River home, but now thinks he'll rent a downtown office, for fear he'll miss having people around.

"What I am going to miss is talking with Pete Wilson every day or every 10 minutes," White says. "The only thing for sure I know I 'm going to be doing is spending time with Pete on his agenda the last two years. We'll see where we go from there."

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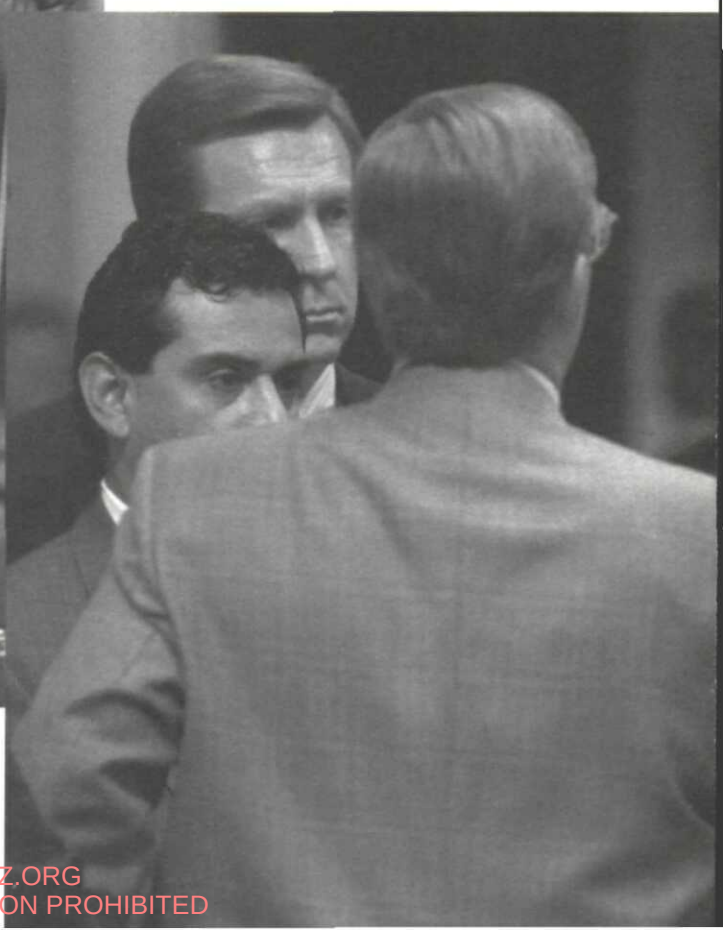

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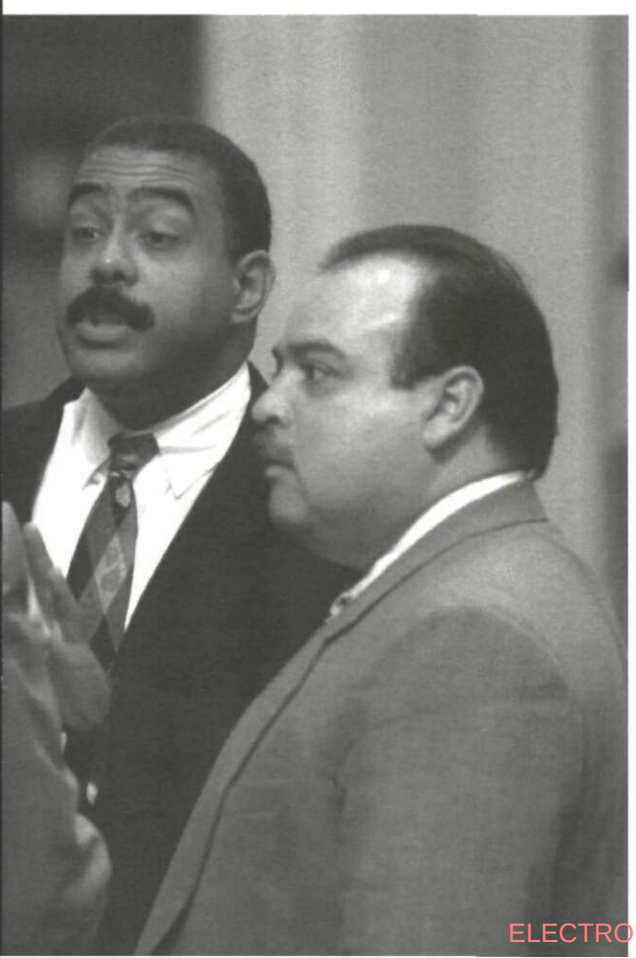
Fortune

and an array ersonalities has eadership crystal t has been since eft Sacramento

By Bob Schmidt



Politicians are like the rest of us in one respect: Uncertainty makes them nervous. Nervousness is a normal condition for most politicians, given the capriciousness of voters, but they are especially nervous at the moment because the courts have also become involved in their political destiny.

Normally, politicians have to decide only if they *should* run, and the decision they make usually is based on whether or not they think they can win if they choose to run. But now they must first find out if they *can* run.

And that's where the courts come in.

California voters in 1990 approved Proposition 140, limiting the terms of most state elected officials, including members of the

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Bob Schmidt, retired Sacramento correspondent for the Long Beach Press-Telegram, *is a freelance wirter in Sacramento*

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Kevin Murray

Sheila Kuehl

Legislature. As a result, 33 legislators were unable to seek re-election in 1996, and 27 more will be prevented from running for re-election in 1998.

Maybe.

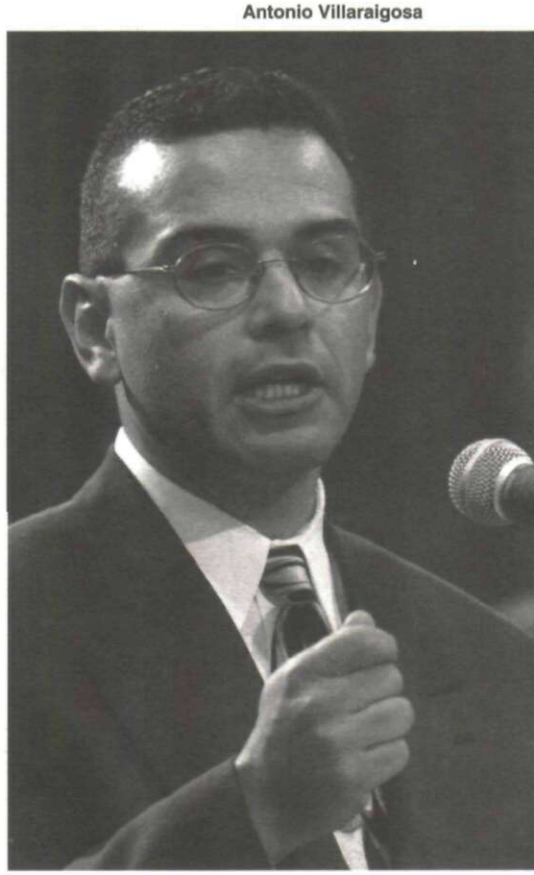
Proposition 140 has been challenged in federal court, and a decision on the challenge could come at any time by U.S. District Court Judge Claudia Wilken. Most of the nervousness would disappear if Proposition 140 is held to be illegal.

But some nervousness would remain because of the campaign fundraising restrictions imposed by Proposition 208, approved by voters last year and also awaiting a court ruling on challenges to it.

Proposition 208 not only sharply curtails the size of contributions that can be made, it flat outlaws fund transfers from one candidate's campaign to another's, meaning that the Democratic and Republican leaders in the Senate and Assembly can't go out and raise millions of dollars to spread around on candidates they favor.

The process of choosing party leaders in the Assembly and Senate is simple enough. The candidate with the most

Antonio Villaraigosa



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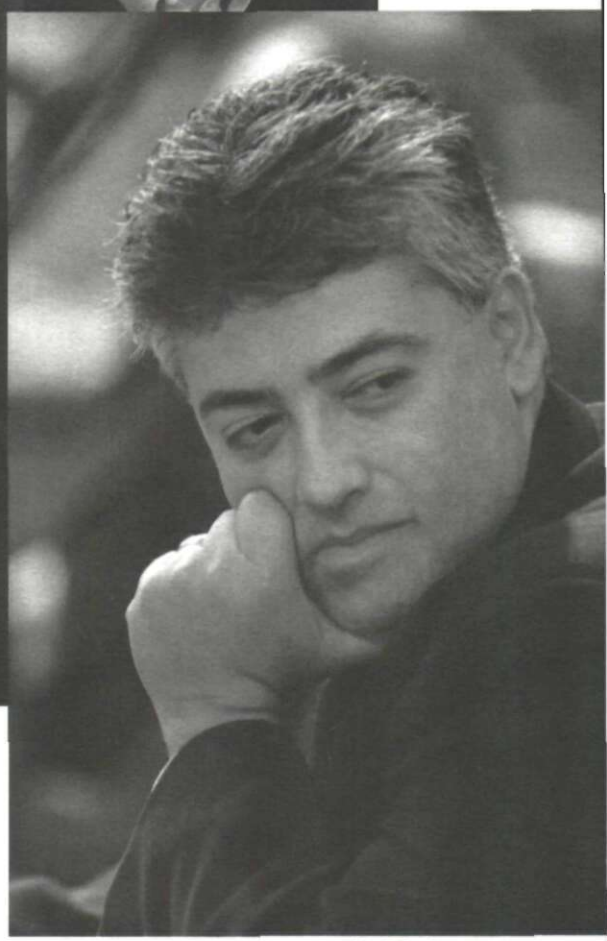
Bill Leonard (left)

Tom Bordonaro



Rod Pacheco

votes in each of the four caucuses wins. And the candidate with the most supporters gets the most votes.

But while the passage of Proposition 140 has not changed the process, it has changed profoundly the environment in which the process works, particularly in the Assembly.

If term limits do survive, members of the Assembly will have some new factors to consider when they choose their caucus leadership, including whether they want a "veteran" (meaning a member serving his or her second term) who can serve only one term or a freshman eligible to hold office for two terms.

It used to be that caucus leaders "emerged" after many years of toiling in the ranks and gradually acquiring the political acumen and chits needed to gather sufficient commitments to support a try for leadership.

But if Proposition 140 stays intact, ambitious aspirants in the Assembly will no longer have those many years to work their way to the top. With the limit of only three two-year terms available to newcomers, they'll have to begin separating themselves from the ranks almost immediately.

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Don Perata

That is happening in the Assembly right now, as the more ambitious members maneuver to replace the two current leaders, Democrat Cruz Bustamante of Fresno and Republican Curt Pringle of Garden Grove, when their third and final terms expire in 1998.

Because of term limits, caucus members have two questions, one old and one new, to answer when choosing their leader. Question one, the old question, is, who can best lead us by increasing our number in the next election (and, not incidentally, help me get re-elected if I'm eligible)? Question two, the new one, involves the choice between someone with experience but with only one term left, or someone with less experience who might provide stability and, with the additional time, stronger and more effective leadership.

Both Bustamante and Pringle say they are confident they, and people holding their jobs in the future, can be successful at providing assistance to selected Assembly candidates despite Proposition 208's strictures on fund raising and fund transfers.

And both said it was appropriate that candidates should have greater responsibility for their own fund raising than they had to have in the past, when the speaker and minority leader each had huge campaign war chests to distribute.

Although both Pringle and Bustamante are in their third terms, the situations facing the two Assembly caucuses are very different from each other, whether or not 140 survives.

If term limits are thrown out by Judge Wilken (and her ruling survives the inevitable appeal), Bustamante says he will seek re-election to a fourth term

Kevin Shelley

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Rico Oller

in the Assembly and to a second term as speaker.

Pringle, however, said he will not be a candidate for re-election if 140 is invalidated, and plans to step down as minority leader "at the end of this year" so his successor will have ample time to prepare for the 1998 elections.

"I will live by the intent of term limits," he said. "I think it will be a travesty if Proposition 140 is thrown out."

He said he does intend to stay in politics, however, and there are "three or four different options available to me, definitely including the congressional seat in my district [now occupied by Democrat Loretta Sanchez after her surprising ouster of Republican Bob Dornan last November], possibly a seat on the [Orange County] board of supervisors, and maybe even the state Senate, since my senator [Rob Hurtt] has not yet indicated whether he'll run again."

If Bustamante is given the opportunity to keep his speakership, that would probably terminate the reputed speakership aspirations of such "veterans" (meaning; they're now in their second term) as Sheila Kuehl of Santa Monica, and Kevin Murray, Antonio Villaraigosa, and Wally Knox of Los Angeles, and put the speculated ambitions of freshmen Don Perata of Alameda, Kevin Shelley and Carole Midgen of San Francisco, Carl Washington of Los Angeles, and Bob Hertzberg of Van Nuys, on hold.

If 140 is not overturned, Bustamante said, he'll "go back to cutting lawns" for a living. That's not entirely a joke. The 44-year-old Bustamante has worked in government all his adult life, and there doesn't appear to be a Senate or congressional seat open to him in the near future. Republican Ken Maddy's final term in the Senate ends in 1998, but Bustamante lives in the Senate district represented by Democrat Jim Costa, and Costa can serve until 2002. The Fresno area's two congressional seats are occupied by entrenched incumbents, Republican George Radanovich and Democrat Cal Dooley. Unless he receives an appointment or runs for a local office, Bustamante's career in elected office may be at an end.

In the Republican caucus, second-termer Tom Bordonaro, Jr. of Paso

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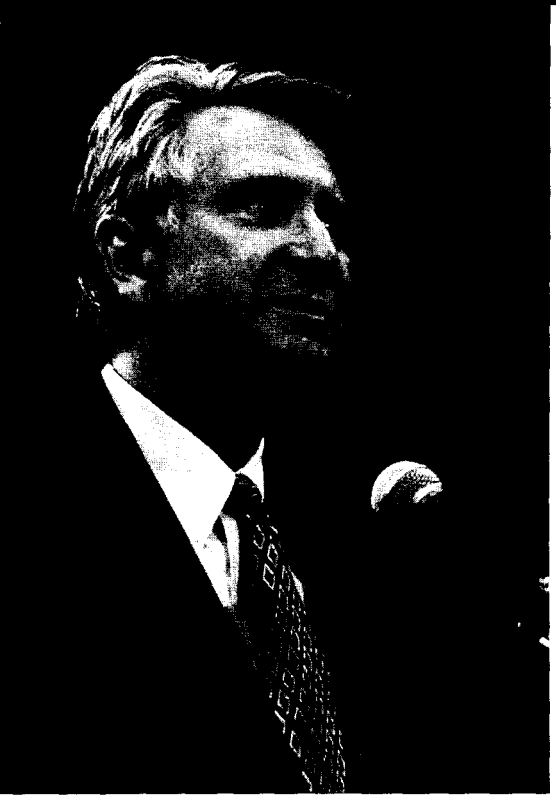

Wallyt Knox

Robles seems to have distanced himself from other hopefuls as Pringle's successor. He acknowledges being a candidate, but says he will not actively seek the leadership position until Pringle decides to step down.

But, again, GOP caucus members will have to decide whether it's better to have Bordonaro (or some other "veteran") as their leader for one term, or give the reins to someone with two full terms to serve.

"I think there are people in the caucus on both sides of that question," Pringle said, adding that there are other members besides Bordonaro interested in the leadership job.

He declined to offer names, but other names heard in speculation about the top Republican office in the Assembly include second-termers Jim Battin of La Quinta and Keith Olberg of Victorville.

Among the Republican freshmen, Rico Oller of San Andreas and Rod Pacheco of Riverside seem to be attracting early attention. Bill Leonard of Upland and Tom McClintock of Simi Valley, both of whom have previous Assembly service, would also have to be considered in leadership discussions because of their experience. Leonard served in the Assembly from 1978 until 1988, when he was elected to the Senate. He ran successfully for the Assembly last year when he was termed out, and can serve until 2002. McClintock was elected to the Assembly in 1982 and served until 1992, when he left to run unsuccessfully for Congress. His 1990-92 service in the Assembly counts toward his term limit, however, so he can run for re-election only in 1998.

Earlier this year there was speculation that Pringle might be forced out as minority leader because he was at the helm when Republicans lost control of the Assembly in last November's elections, but that talk seems to have died down.

Senator Ross Johnson (R-Irvine), a former Assembly Republican leader, says he doesn't think Pringle is in any danger from within his caucus.

"I'm not aware of any unrest at all, absolutely none," Johnson said. "I think he did a heck of a job last year under not ideal circumstances. I think he has indicated he'll step down at some point, and I think it will be a point of his choosing." Johnson added that Judge Wilken's decision on term limits could have an impact on the partisan composition of the Assembly.

"For instance," he said, "if 140

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survives, the seat now held by (Democrat) Debra Bowen in Los Angeles will be taken by a Republican. If 140 is thrown out, she could keep that seat. I think there are three or four other seats in the Assembly where the incumbent would be re-elected if 140 is thrown out, but if it's not, the other party could take the seat."

Ray McNally, a veteran Republican political campaign consultant, agrees with Johnson that Pringle can keep his leadership post "as long as he wants to."

"I just don't see a bloody coup happening," he said.

McNally added that he thinks the Republicans are in a better position in the Assembly than they've been in a very long time, despite their minority status.

"In the past, the Democrats always seemed able to outmaneuver Republicans on parliamentary matters, but they don't have Willie Brown and Phil Isenberg in their ranks anymore and I don't see anyone else with their smarts. I think the Republicans are actually better organized right now than the Democrats."

As long as the future is term-limited, being organized will pay dividends in the internal workings of the Assembly. If 1996 proved anything, though, it is that a well-organized caucus is no substitute for a well-organized, well-executed campaign. Term limits or no, it's still about winning in November of even-numbered years.

Keith Olberg

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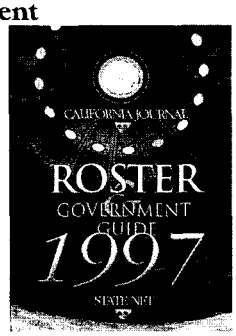

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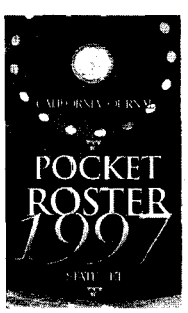

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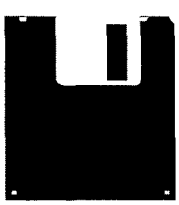

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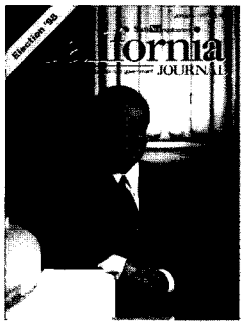

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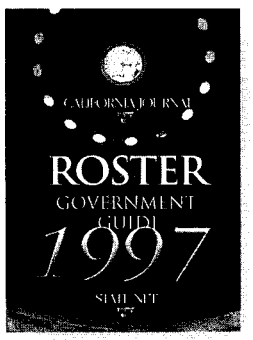

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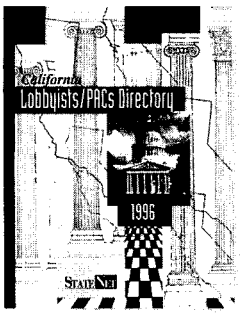

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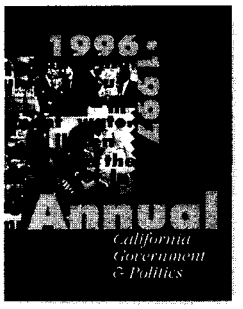

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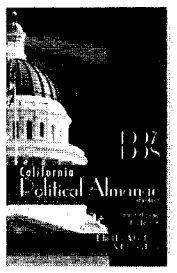

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The Bottom Line

commentary

by Susan Rasky

Dan Lungren

There is a curious cycle that seems to run through Dan Lungren's political career. It's an awkward sort of getting-to-know-you-again dance in which fellow politicians Republican party faithful and most of all, reporters, periodically take his measure and "discover," as if for the first time, that he is rather more complicated and less ideologically predictable than the man they thought they knew.

In his own party, where, the rediscovery process may be a little trickier now with so much at stake. Can the gun nuts live with a gubernatorial candidate who believes there are justifiable limits to the right to bear arms? And can the party's pro-choice majority (not to mention the state's) entertain a governor staunchly opposed to abortion?

As for relations with the press, getting rediscovered all the time must be annoying, and perhaps that, more than a traditional conservative's instinctive mistrust of the media, explains Lungren's aloof, sometimes combative attitude toward the reporters who cover him. For the most part, however, the periodic reassessments have served him well.

When the editors at *Congressional Quarterly* produced their first volume of "Politics in America" back in 1981, they described then Congressman Lungren as one of the loudest young Republicans on the House floor. "A style that begins at a near shout and sometimes ends closer to a scream," they observed.

Even then, however, the *CQ* editors saw something that set the 35-year-old lawmaker apart from the gang of GOP backbenchers who came to be known as Reagan Robots. Lungren, they noted, displayed a somewhat different style in his work on the House Judiciary Committee, a style that suggested serious engagement with issues rather than rhetoric and an openness to other views. By 1987, the year Lungren left Congress for an ill-starred appointment to replace the late Jesse Unruh as California treasurer, the *CQ* editors opined that he had moved beyond anger and stridency to emerge as "a legislator of considerable substance" who had left his mark on major immigration, crime and drug laws.

The state Senate squashed Lungren's appointment as treasurer in a bitter, partisan brawl from which he still bears the scars. But perhaps the political gods do keep score.

As the 1998 gubernatorial campaign takes shape, they seem to have smiled on the 50-year-old Attorney General — blessing him with an uncontested Republican primary, a chaotic field of would-be Democratic rivals, a declining crime rate about which he can boast in stump speeches and a flock of hungry political reporters busy discovering him yet again.

This time he appears to understand in a way he hasn't before that the reintroduction process, whatever its indignities, can play to his strengths as a serious policy thinker and allow him to present himself as a pragmatist capable of principled compromise. More politically mature and perhaps more secure as well, he's also learned that, at least for now, the terms of the reintroduction are largely in his control. His first major political venture this year — a rousing address to state GOP convention delegates in Sacramento urging a more positive Republican message and pledging a campaign that would reach out to minority voters — played well with the party and the press.

Lungren began this pre-election year with a $2.6 million campaign war chest, but under new rules imposed by Proposition 208, he is prohibited from further fund-raising until June. He has used the intervening months to travel the state, county by county, to mend fences with local prosecutors who sometimes find themselves bucking the prevailing wind in the AG's office and to enlist local volunteers in what he promises will be a massive grass-roots organization working to elect him.

Grass-roots is always a suspect term in California, where statewide politics are driven by top-down political strategy and lots of money. For now, however, Lungren's local organizing efforts afford him some credibility when he outlines the broader themes of his campaign.

"I think we've divorced campaigning from governing," he said, in a recent interview. "These gatherings around the state have confirmed in my mind that people are eager to get involved in politics on a grass-roots level, that they feel the political system has become distant from them."

The edges are still a little rough as Lungren reels off the issues he wants to use to define his candidacy — education, crime, drugs, rationalizing the tangled fiscal relationships between the state and the counties. In between the rhetorical phrases and familiar positions on public school vouchers and tough law enforcement that have been part of his speechmaking for years are the bits and pieces of more nuanced positions — well-formed in his mind but still awaiting translation to the idiom of the campaign trail.

He wants to use the recommendations of the Constitutional Revision Commission as a starting point for redefining the state and local relationship; he wants to "reinvigorate" the community colleges, perhaps as a way to bring underrepresented minorities into the University of California system; maybe the regents need to take a closer look at how much actual teaching is done by professors; maybe the Iowa standardized educational tests should be used in California's public schools until the state can agree upon a testing system of its own; maybe the kind of welfare overhaul Governor Tommy Thompson has undertaken in Wisconsin is a model for what could be done in California.

Presumably there will be time enough in this long campaign to argue about all of that, and Lungren says he's eager for the debate. But if the Democrats don't sort themselves out soon, they will be debating California's future on Lungren's terms.

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A Gray State

In Washington, seniors are political heavyweights whose wrath can threaten political careers. The same cannot be said of their generational compatriots in Sacramento.

by Noel Brinkerhoff

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# of Politics

Anyone on a search for a U.S. senator or member of Congress willing to advocate cuts in Social Security or Medicare won't come up with a lot of names. Fewer still are those willing to take such a stand without a whole lot of tap-dancing to protect their electoral flank. What tempers any such political bravery is simply the prospect of a backlash from the 30 million members of the American Association of Retired Persons. This influential power is a known reality at the national level when it comes to any discussion of the political clout of senior citizens.

But what of California and the legislative dynamics of the state Capitol? Do state lawmakers ever find themselves confronting a powerful silverback interest capable of freely tossing legislative careers around like a piece of unwanted Tourister luggage?

Hardly.

In fact, seniors currently have at best a modest level of real influence in Sacramento when all things are considered. Yes, there are organizations active on behalf of older Californians, whether it's AARP with 3 million state members, the Congress of California Seniors and its coalition of 500,000 people, or the California Senior Legislature, which regularly lobbies and sponsors legislation at the Capitol. There are also local and state government sources — the California Commission on Aging and the 33 Area Agencies on Aging, for example — whose functions revolve around senior services and the political priorities of this community.

The fact remains, though, that seniors — while having chalked up a few successes to their credit — find themselves lacking the necessary clout to get their many concerns adequately heard and resolved. In the current legislative structure, there exists only one committee, the Senate Health Subcommittee on Aging, addressing the issues affecting this population of nearly 5 million Californians. Many of these people have pressing needs in the areas of long-term health care, elder abuse and welfare reform that have yet to be resolved by legislative action.

But while some of these matters, such as long term care, may continue to drag on for some time without resolution, it would be foolish for any lawmaker to think senior priorities can continue being ignored on an indefinite basis. Not if they have any electoral ambitions in the next 10 years or more, that is.

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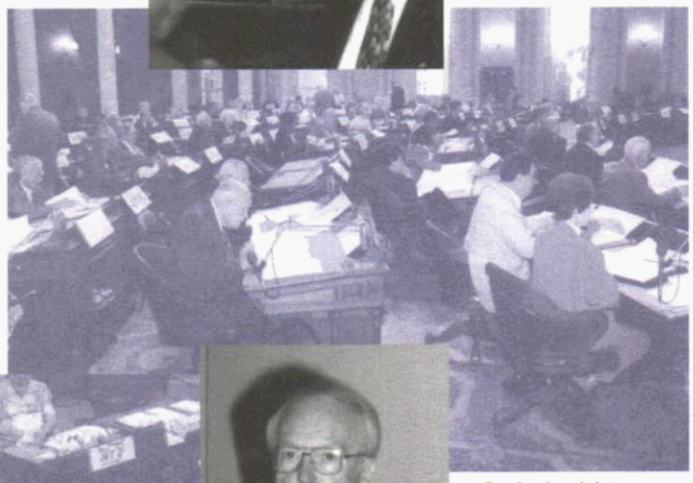
"Right now, 14 percent of the state's population is age 60 and older, but every 12 seconds someone is turning age 50," said John Kehoe, executive director of the Commission on Aging. The rapidly increasing size of this age group is a result of the aging "Baby Boom" generation, which Kehoe likens to "a pig moving through a python" because of its capacity for altering the shape of and discourse on political issues.

It will be another 30 years before all of the state's 9.7 million Baby Boomers have reached the 60-and-over bracket, but this does not mean policymakers have a few decades to figure out how to handle all the needs of the elderly. By 2005 alone, 25 percent of California's population will be seniors — a situation Kehoe says "we are really ill prepared to deal with." It is Kehoe's contention that the current legislature needs to be developing a master plan for the growing community of seniors, but nothing of this kind has happened so far.

SeniorSenator, Betty Soennichsen



Senior Legislators, Assembly

John Kehoe

Senior Legislators, Senate session. CSL photos by John Soennichsen

While the Senate at least has a subcommittee discussing the issue of aging, it's been seven years since the Assembly had a committee solely devoted to the subject — the standing Committe on Aging. Former Assemblyman Lloyd Connelly (D-Sacramento), now a judge, says the legislative budget restrictions in Proposition 140 forced the Assembly to eliminate the Aging Committee, which he chaired. At the time, though, it was widely believed the move was in part a response to chronic friction between Connelly and Assembly Speaker Willie L. Brown, Jr. Currently, senior groups are pushing Speaker Cruz Bustamante (D-Fresno) to create an Assembly subcommittee on aging, but it is unclear whether the Assembly leader will do so.

"I'm not sure if we're getting a sympathetic ear or not," says Howard Owens, legislative director for the Congress of California Seniors.

According to Bustamante's chief of staff, Dan Eaton, the speaker prefers the creation of a joint legislative committee to discuss the issue of aging. Eaton said talks have been held with Senate President pro Tempore Bill Lockyer's (D-Hayward) office about forming the committee. So far, little has come of the effort.

The lack of a committee doesn't mean of course that legislation seniors are pushing can't get through the Capitol. Last year senior groups banded together — something that hasn't always been the case — to get the Mello-Granlund Older Californians Act passed, which defined more clearly the statutory powers and responsibilities of those state agencies handling the needs of seniors. The act also called for the statewide implementation of seven ongoing pilot projects which provide health services for the elderly.

Seniors can also be credited for helping elevate the issue of medicinal marijuana to the high profile it now enjoys. Two years ago, the Senior Legislature sponsored legislation by then-Assemblyman John Vasconcellos (D-Santa Clara) which would have legalized the medicinal use of pot by those suffering from severe illnesses, such as AIDS and cancer. The measure, AB 1529, passed out of both houses but was vetoed by Governor Pete Wilson. This defeat, however, didn't stop the effort, but merely shifted it to the initiative arena. Proposition 215, the Medical Marijuana Act, easily passed last November, thanks in part to a concerted grass-roots campaign waged by senior organizations.

When it comes to long-term health care, the concerns of seniors seem to rate a lower priority. A recent court ruling involving the Department of Insurance did give them a small victory, invalidating a department directive which let insurers offer incomplete long-term benefits. But seniors say it isn't just the level of services they can receive, but the kind of environment and setting to live in as well.

According to a 1996 report by the Little Hoover Commission, California spends almost $5 billion a year on long-term care for individuals with $2 billion of it going towards institutionalized care, such as nursing homes. In-home support services — which help the elderly to continue living at home instead of going to nursing homes — receive only $1 billion in funding. It's this emphasis on institutionalized care rather than in-home support that seniors want to see changed when it comes to budget priorities.

"Seniors would rather stay in their homes as long as possible," said Kehoe, who believes the model for the 1990s should be towards keeping seniors out of nursing homes whenever possible. California, though, isn't alone with its

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orientation towards institutionalized care, since only one state — Oregon — has implemented a plan to relocate nursing home patients back into residential care settings. The stumbling block for shifting long-term care priorities has been the inability of seniors to overcome the lobbying clout of the nursing home industry, which can pour substantial sums into political campaigns. In addition to this legislative dead end, there's been the failure to restructure the way senior services are handled by a myriad of state agencies and departments. In states such as Florida, Oregon and Texas, a single agency has been established to handle and coordinate all programs for the elderly, which is something seniors would like to see happen in California.

"The Department of Aging is great, but it's perceived in the mainstream of state government as a conduit for federal funds into mandated programs and not as a policy body," Kehoe declared.

As it stands now, various senior programs are located in the Departments of Aging and Veterans Affairs, as well as the Health and Welfare Agency. This dispersion of services not only makes it difficult for citizens to access the programs they need, but also makes it costly and time consuming for the local Area Agencies on Aging to carry out their functions. For a local agency to provide services the elderly require, it must deal with this multiplicity of state bodies, and thus maintain the necessary staff to master all the bureaucratic procedures to be followed when requesting funding. Centralizing all the state programs into one source makes sense, but so far the idea has fallen on deaf ears.

"The [Senior Legislature] has called attention to it and so has the Commission on Aging," said Kehoe, "but no one is listening."

The failure on the part of seniors to achieve policy goals isn't always the fault of indifferent lawmakers, however. The California Senior Legislature (CSL) is one of the key sources of advocacy for older Californians at the Capitol. Each year it gathers in October after the state Legislature has adjourned for the year and conducts a week-long mock session with its own gathering of 80 Assembly members and 40 senators. From this session, a list of state and federal policy priorities are crafted and then submitted to lawmakers the following year. Over the years, the Senior Legislature has come to enjoy a strong reputation among national seniors organizations for its successful lobbying scorecard, which averages between 70 and 80 percent.

But a review of CSL's top 10 lists shows a propensity for tackling many mid-level problems and only some high priority issues. For example, the issue of redirecting long-term care money from nursing homes to in-home services is not on its list this year, nor is the effort to centralize existing state service programs under one department.

"They claim a very high success rate, but honestly, not all [of their legislative priorities] have been momentous issues," says Owens, who faults his own organization, the Congress of California Seniors, as well for not taking on all the tough problems facing seniors. The failure, Owens insists, lies in the lack of money available for lobbying efforts.

There also exists a rigidity to CSL's operating structure that prevents it from tackling issues in as quick a fashion as it should. As debate rages in the nation's capital over making changes to last year's welfare reform bill — a debate that especially involves seniors since older legal immigrants are faced with losing their long term care supports — the CSL does not have welfare reform on its federal priority list for this year. The reason? All legislative proposals which are heard in its October session must be submitted the previous May, and since the federal welfare bill passed last summer, the CSL was unable to take up the issue last fall.

But what seniors may lack in financial power or organizational efficiency, they can make up in sheer numbers of potential and real voters. The fact that older Californians will soon make up one-quarter of the state's population means that this community will have the ability to exert its opinion on and greatly affect the shape of public policies.

"Ten years from now, they [seniors] will have a greater impact on elections than they do now," says Mark DiCamillo, a pollster for the Field Institute. DiCamillo makes this assertion because of the consistent trend of citizens to register and vote in greater numbers as they get older. This reality is only too understandable, given the vulnerability of seniors and their fixed incomes to the actions of government on health care and tax issues.

In case anyone wants numbers to substantiate the electoral clout seniors will soon enjoy in the 21st century, just look at those from the last election. Seventy-five percent of those 60 and older — or 3.25 million people — were registered to vote, which was the highest rate among all age groups. But what really is astonishing is that almost 90 percent (2.9 million) of those registered actually voted.

If this trend continues, lawmakers may find themselves taking much closer note of the graying demography of California's population. To do otherwise would risk the wrath of a power with as much potential energy on the state level as the AARP enjoys on the national stage.

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Washington Notes

perspective

by James R. Carroll

Mexico and Drugs

California has a long tradition of engaging in its own foreign policy with Mexico.

The common border with Mexico, the relatively easy back-and-forth commerce, the less easy problem of legal and illegal immigration — all of these issues and more have been ample justification for California's efforts to establish its own, unique relationship with its huge neighbor to the south.

But there is another, more sinister cross-border link between California and Mexico: the unceasing flow of illegal drugs into the state, as well as into the rest of the United States.

The narcotics trade stands as one of the most diplomatically sensitive, politically difficult and seemingly intractable obstacles to even more mutually beneficial ties between California and Mexico, and between the United States and Mexico.

The scourge of narcotics . . . has become a central focus of U.S.-Mexican relations.

The scourge of narcotics either produced in Mexico or transshipped through Mexico — the source of the vast majority of illegal drugs like black tar heroin, marijuana and cocaine in California — has become a central focus of U.S.-Mexican relations as President Clinton has sought to give his imprimatur to the anti-drug efforts of one of this nation's key trading partners and long-time allies.

Many members of Congress, including those in Clinton's party — and notably, California Democratic Senators Dianne Feinstein and Barbara Boxer — vociferously have challenged the president's certification of Mexico as a reliable ally that has "cooperated fully" in the drug war. Indeed, Clinton's decision has awakened in Congress a deep-seated, long-festering anger at a nation perceived on this side of the border as not only losing the fight against the narcotics cartels, but also knee-deep in corruption and collusion to keep the drug trade going.

The anger is bipartisan. Feinstein and Boxer found allies in Republican Senators Jesse Helms of North Carolina and Paul Coverdell of Georgia. Likewise over in the House, Republican Speaker Newt Gingrich of Georgia and Democratic House Minority Leader Richard Gephardt of Missouri agreed that Clinton was wrong.

With its unique economic relationship with Mexico, California is more exposed than many other states in the event of a disruption of commerce with Mexico. Still, Feinstein has been one of the most impassioned opponents of Mexican certification, making floor speeches that have pulled no punches. She has called the administration's positive assessment of Mexico's drug fight "a fairy tale" and "a complete whitewash."

"Mexico is a friend and an ally," she said, "but I ask my colleagues: Do we do Mexico any favors by turning a blind eye to the depth of the problem? Do we do Mexico any favors by suggesting that the status quo is good enough? ... The truth is that failure to decertify Mexico makes a mockery of the entire certification process."

Under the law, decertification could bring with it a cut-off in U.S. aid and American opposition to international loans and credits to Mexico. Congressional critics, including Feinstein and Boxer, have recognized the potentially destabilizing effects such sanctions might have on Mexico's fragile democracy, agreeing instead to support a waiver of the sanctions for now. But Feinstein and others want an honest admission from the White House and the State Department that reflects the view of no less than the administrator of the Drug Enforcement Administration, Thomas Constantine, who said the drug cartels are "operating with impunity" in Mexico.

A destabilized Mexico of 95 million people would be a national security nightmare for the United States. It also would be an economic disaster whose impact would be keenly felt in California. Mexico was the fourth-ranking destination for California exports in 1995 — $7.3 billion in everything from livestock to high technology.

President Clinton's view is that anything short of full re-certification of Mexico's anti-drug efforts would send a wrong message and could harm long-term U.S. interests there. In short, the president sees more good in keeping the encouragement up and the aid flowing. And unlike in Colombia, administration officials point out, Mexico's top leaders are committed to a war on drugs.

Such realities are tempering the calls from Republican and Democratic politicians for a tough line on Mexico, even as the patience and understanding of law enforcement officials are wearing thin.

A joint letter in February to federal officials from California Attorney General Daniel Lungren and Arizona Attorney General Grant Woods called the problems with Mexico "intolerable" and a threat to "the integrity of our own enforcement efforts in our respective states."

The approach of Californians like Feinstein, Boxer, and Lungren make it clear that the flow of drugs across the border is eating at the very core of American relations with its southern neighbor. The central question in Washington is whether any action — symbolic or real — will change business as usual for Mexico's drug cartels.

James Carroll covers Washington for the Long Beach Press-Telegram *and Knight-Ridder Newspapers.*

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